

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katherine Taylor	Team: Squad #4	CCRB Case #: 201601907	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/02/2016 6:30 AM	Location of Incident: Over the phone	Precinct: 73	18 Mo. SOL 9/2/2017	EO SOL 9/2/2017	
Date/Time CV Reported Wed, 03/02/2016 7:15 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/08/2016 11:05 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Dagmara Cesarski	19567	926668	073 PCT
2. LT Sean Wick	00000	919862	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Dagmara Cesarski	Abuse: PO Dagmara Cesarski refused to provide her shield number to § 87(2)(b)	
B.LT Sean Wick	Discourtesy: LT Sean Wick acted discourteously toward § 87(2)(b)	

### Case Summary

On March 2, 2016, § 87(2)(b) filed this complaint with IAB over the telephone, under log No. 16-7460, which was referred to the CCRB on March 8, 2016.

On March 2, 2016, at approximately 6:30 A.M., § 87(2)(b) called the 73<sup>rd</sup> Precinct to ask to have her accident report amended and spoke to PO Cesarski. PO Cesarski informed § 87(2)(b) that only the officer who prepared the report could change it and that a supervisor would not be on duty until 8:00 A.M., and allegedly refused to provide her shield number to § 87(2)(b) (**Allegation A**). At around 8:00 A.M., § 87(2)(b) called back the 73<sup>rd</sup> Precinct to speak to a supervisor regarding her accident report and was connected with LT Wick. LT Wick allegedly did not provide § 87(2)(b) the opportunity to speak and slammed the phone down on her (**Allegation B**). § 87(2)(b) did not receive any summons and was not arrested in relation to either of these incidents.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- A notice of claim request was submitted to the comptroller's office on April 27, 2016, and came back as negative on May 3, 2016.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by or involving § 87(2)(b) (See Board Review #1: Civilian CCRB History).
- PO Cesarski has been a member of the service for fifteen years. There are no substantiated allegations against her. She has two prior CCRB cases with two allegations of discourtesy and one allegation of force. This is the first abuse of authority allegation made against PO Cesarski.
- LT Wick has been a member of the service for nineteen years. There are no substantiated allegations against him. He has no prior CCRB complaints.

### Findings and Recommendations

#### **Allegation A – Abuse of Authority: PO Dagmara Cesarski refused to provide her shield number to § 87(2)(b)**

It is undisputed that § 87(2)(b) called the 73<sup>rd</sup> Precinct on March 2, 2016, around 6:30 A.M., and spoke to PO Cesarski in order to ask to have her accident report amended.

§ 87(2)(b) provided a telephone statement on March 15, 2016, and was interviewed at the CCRB on April 8, 2016 (See Board Review #2 and #3: § 87(2)(b)'s Statements). In both statements, § 87(2)(b) alleged that she called around 6:30 A.M. and that PO Cesarski refused to provide her shield number to her upon request. In her in-person statement, § 87(2)(b) stated that PO Cesarski responded, "I'm not giving it to you" when § 87(2)(b) asked for her shield number.

PO Cesarski was interviewed at the CCRB on April 22, 2016 (See Board Review #4: MOS Statements). PO Cesarski stated that § 87(2)(b) called around twenty times, starting between 5:00

and 5:30 A.M. and ending around 7:30 A.M. She did not recall § 87(2)(b) asking for her shield number, but stated that she generally provides her name when she answers the phone. There is no evidence to support PO Cesarski's assertion that § 87(2)(b) called repeatedly that day. The T/S Operator log had no entry regarding any calls and only listed the assigned T/S Operator. Additionally, there are no recordings or direct witnesses to the conversation.

§ 87(2)(g)

**Allegation B – Discourtesy: LT Sean Wick acted discourteously toward § 87(2)(b)**

It is undisputed that § 87(2)(b) called back the 73<sup>rd</sup> Precinct around 8:00 A.M. on March 2, 2016, and spoke to LT Wick in order to ask to have her accident report amended. § 87(2)(b) alleged that LT Wick did not provide her the opportunity to speak and hung up the phone when she attempted to speak to him. § 87(2)(g)

During her call to IAB, she indicated that LT Wick told her that the officer could change the report at his own discretion and that since she refused to provide her name and phone number when she called earlier no one could get back to her, and he then hung up with § 87(2)(b) before she could explain her complaint. In contrast, during her phone statement to the CCRB she claimed that LT Wick did not offer her any suggestions as to how to resolve her complaint. In her in-person statement, she additionally noted that LT Wick told her that she could record him all she liked before he hung up the phone on her.

LT Wick was interviewed at the CCRB on April 23, 2016 (See Board Review #5: MOS Statements). LT Wick stated that he spoke to § 87(2)(b) for about two to three minutes regarding the accident report. He stated that § 87(2)(b) did not like the suggestion that he offered her and that they went back and forth for a while before he stated that he was sorry, but he had to get back to work. LT Wick stated that he offered to call back § 87(2)(b) at a later time, but she did not provide her phone number. He did not believe that § 87(2)(b) was in the middle of speaking when he disengaged, but that he warned her that he would be disengaging the call.

§ 87(2)(g)

Squad: 4

Investigator:

Signature

Print

Date

Squad Leader:

Title/Signature

Print

Date

Reviewer:

Title/Signature

Print

Date